

Ball, Stephen

From: Ball, Stephen
Sent: Wednesday, March 21, 2018 4:47 PM
To: Werntz, James
Subject: Fwd: Burley Asbestos - Phone call with Mr. Tibbits

Jim,

Apologies for not including you earlier. I just engaged with the property owner today. Though ive been tracking Pavitt's involvement for a few weeks. The PRP has already sent photos of a fence, so hopefully the rest will follow.

Thanks,
Stephen Ball
EPA OSC
(208)530-9107

Begin forwarded message:

From: "Ball, Stephen" <Ball.Stephen@epa.gov>
Date: March 21, 2018 at 14:53:17 MDT
To: "Sheldrake, Beth" <sheldrake.beth@epa.gov>, "Pavitt, John" <Pavitt.John@epa.gov>, "Wroble, Julie" <Wroble.Julie@epa.gov>, "McClintock, Katie" <McClintock.Katie@epa.gov>, "Mednick, Richard" <Mednick.Richard@epa.gov>
Cc: "Vanderboom, Eric" <Vanderboom.Eric@epa.gov>, "Becker, Dale" <Becker.Dale@epa.gov>, "Callaghan, Marc" <Callaghan.Marc@epa.gov>, "Ingemansen, Dean" <Ingemansen.Dean@epa.gov>
Subject: Burley Asbestos - Phone call with Mr. Tibbits

All,

I contacted the property owner, Mr Tibbits, today at approximately 2:30MDT and notified him that a response action was necessary under CERCLA at his demolished properties in Burley. I stated that multiple samples from both his contractor and EPA showed Asbestos contamination in the debris pile and that at this point it was an uncontrolled release of a hazardous substance into the environment. I stated that I was an On-Scene Coordinator working for EPA and that under CERCLA authority that stabilization and security measures needed to be taken immediately but no later than this Friday COB to prevent exposure to the community.

I told him that the specific actions that should be taken were to fence the site, post the site as an asbestos contaminated site with signs and apply water to the site. I said the debris should be kept wet at all times, but continuous watering may not be necessary and intermittent watering may be fine. I also agreed that if the temperatures drop below freezing at night then wetting the pile at night would not be required at this point. I told him that he would receive a general notice letter from me explaining his responsibility and liability under CERCLA and I asked that he notify me in writing by Friday COB that these measures were in place.

Mr. Tibbits stated that he did not have much money and was struggling to pay contractors for the sampling and to implement these stabilization measures. He asked if EPA could conduct the clean-up. I stated that EPA has resources to provide the stabilization measures that I am requiring of him but that he would be asked by EPA to show an ability to pay, including disclosure of his assets, in the future as

cost recovery for EPA's funds that were spent. I also explained that under CERCLA I was giving him the opportunity to undertake these stabilization measures first, but that they must be implemented to protect human health and the environment.

I stated that once the property was stabilized that he should work with John Pavitt to determine the ultimate fate of the site.

Mr. Tibbits stated that he would have these measures in place by Friday COB and asked me to text him my information. He stated that Mark Hatchet with 3H Fence (b) (6) would have the fence installed today or tomorrow and the water should start tomorrow.

Mr. Tibbits Called me back and asked for more information about if EPA could recover costs from him. I said that I would have and EPA attorney contact him to discuss that further.

Thanks,
Stephen Ball
EPA OSC
(208)530-9107